



Reprinted
January 29, 2008

SENATE BILL No. 314

DIGEST OF SB 314 (Updated January 28, 2008 7:12 pm - DI 116)

Citations Affected: IC 4-4; IC 4-12; IC 5-14; IC 5-28; IC 10-19; IC 14-8; IC 14-22; IC 14-24; IC 14-25; IC 14-32; IC 15-1.5; IC 15-4; IC 15-6; IC 15-7; IC 15-9; IC 21-46; IC 26-3; IC 34-30.

Synopsis: Department of agriculture. Changes the name of the department of agriculture to the Indiana state department of agriculture (department). Adds specific economic development efforts to be administered by the department. Requires the department to assist agricultural businesses in obtaining and preparing permits and serving as a liaison between the business and state and local government. Makes financial and application information obtained by the department that relates to economic development or promotion of agriculture confidential. Establishes duties for the director of the department concerning agricultural promotion, research, and international agricultural trade. Establishes duties for the director of the department concerning diversified farming. Repeals provisions concerning: (1) operation of livestock export inspection facilities; (2) livestock inspection fees; (3) livestock export facilities; (4) the livestock export facility administration fund; (5) the center for value added research; and (6) adoption of federal fruit grades, domestic grading of certain fruits, inspections, and penalties. Makes conforming changes.

Effective: July 1, 2008.

Ford, Nugent

January 10, 2008, read first time and referred to Committee on Agriculture and Small Business.

January 24, 2008, reported favorably — Do Pass.

January 28, 2008, read second time, amended, ordered engrossed.

SB 314—LS 6836/DI 77+



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Second Regular Session 115th General Assembly (2008)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2007 Regular Session of the General Assembly.

SENATE BILL No. 314

A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 4-4-3.2-1, AS AMENDED BY P.L.1-2006,
2 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2008]: Sec. 1. (a) As used in this chapter, "department" means
4 the **Indiana state** department of agriculture.
5 (b) As used in this chapter, "livestock" includes but is not limited to
6 the following:
7 (1) Beef cattle, dairy cattle, and other animals of the bovine
8 species.
9 (2) Swine and other animals of the porcine species.
10 (3) Sheep and other members of the ovine species.
11 (4) Horses, mules, burros, asses, and other animals of the equine
12 species.
13 (5) Goats and other members of the caprine species.
14 (6) Poultry and other birds of the avian species.
15 (7) Ostriches, rhea, emus, and other members of the ratite species.
16 (8) Camels, llamas, and other members of the camelid species.
17 (9) Farm raised deer, elk, moose, and other members of the



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cervidae species.

(10) Bison.

(11) Aquatic animals that are the subject of aquaculture.

(12) Rabbits.

SECTION 2. IC 4-4-3.3-1, AS AMENDED BY P.L.1-2006, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1. As used in this chapter, "director" means the director of the **Indiana state** department of agriculture.

SECTION 3. IC 4-4-3.3-2, AS AMENDED BY P.L.1-2006, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 2. The director is responsible for foreign market promotion for agricultural products **through the following:**

- (1) **Creating a report and plan for international trade.**
- (2) **Working in partnership with the Food Export Association of the Midwest.**
- (3) **Conducting and participating in foreign trade missions.**
- (4) **Providing education on export and export opportunities for Indiana agricultural businesses.**

SECTION 4. IC 4-4-3.8-1.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 1.3. As used in this chapter, "diversified farming" means new, emerging, and small scale agricultural markets, including alternative and niche agricultural markets.**

SECTION 5. IC 4-4-3.8-1.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 1.6. As used in this chapter, "specialty crop" means any fruit, vegetable, tree nut, dried fruit, and nursery crop, including floriculture.**

SECTION 6. IC 4-4-3.8-2, AS AMENDED BY P.L.1-2006, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 2. The director of the **Indiana state** department of agriculture shall do the following:

- (1) ~~Organize and develop an~~ **Prepare an annual report that contains information and market research center for aquaculture: concerning diversified farming.**
- (2) ~~Instigate the formation of a market and development plan for the aquaculture industry.~~ **diversified farming.**
- (3) ~~Encourage the development and growth of~~ **diversified farming, aquaculture, and specialty crops through education programs.**
- (4) ~~Administer the United States Department of Agriculture Specialty Crop Block Grant Program.~~

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(5) Identify diversified farming opportunities.

(6) Create a healthy network to better connect farmers to available resources.

(7) Aggressively promote the opportunities and benefits of agricultural diversification.

SECTION 7. IC 4-4-27-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 0.5. As used in this chapter, "department of agriculture" refers to the Indiana state department of agriculture.**

SECTION 8. IC 4-12-9-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 0.5. As used in this chapter, "director" refers to the director of the Indiana state department of agriculture.**

SECTION 9. IC 4-12-9-2, AS AMENDED BY P.L.1-2006, SECTION 60, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 2. (a) The tobacco farmers and rural community impact fund is established. The fund shall be administered by the director. ~~of the department of agriculture.~~ The fund consists of:

- (1) amounts, if any, that another statute requires to be distributed to the fund from the Indiana tobacco master settlement agreement fund;
- (2) appropriations to the fund from other sources;
- (3) grants, gifts, and donations intended for deposit in the fund; and
- (4) interest that accrues from money in the fund.

(b) The expenses of administering the fund shall be paid from money in the fund.

(c) Notwithstanding IC 5-13, the treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as money is invested by the public employees retirement fund under IC 5-10.3-5. The treasurer of state may contract with investment management professionals, investment advisors, and legal counsel to assist in the management of the fund and may pay the state expenses incurred under those contracts.

(d) Money in the fund at the end of the state fiscal year does not revert to the state general fund and remains available for expenditure.

SECTION 10. IC 4-12-9-3, AS AMENDED BY P.L.1-2006, SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 3. (a) Subject to subsection (b), money in the fund shall be used for the following purposes:

- (1) Agricultural grant and loan programs to assist cooperative arrangements consisting of tobacco quota owners and tobacco

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growers working together to transition from tobacco production to other agricultural enterprises and to assist individual tobacco quota owners and tobacco growers who are in the process of transitioning to other agricultural enterprises.

(2) Value-added cooperatives, incubators, and other enterprises or facilities established for the purpose of assisting tobacco quota owners and tobacco growers to capture additional revenues from non-tobacco agricultural commodities.

(3) Agricultural mentoring programs, entrepreneurial leadership development, and tuition and scholarships to assist displaced tobacco growers in acquiring new training and employment skills.

(4) Academic research to identify new transitional crop enterprises to replace tobacco production.

(5) Market facility development for marketing current and new crop enterprises.

(6) Administrative and planning services for local communities and economic development entities that suffer a negative impact from the loss of tobacco production.

(7) Establishment and operation of a regional economic development consortium to address common problems faced by local communities that suffer a negative impact from the loss of tobacco production.

(b) Expenditures from the fund are subject to appropriation by the general assembly and approval by the director. ~~of the department of agriculture.~~ The director ~~of the department of agriculture~~ may not approve an expenditure from the fund unless that expenditure has been recommended by the advisory board established by section 4 of this chapter.

SECTION 11. IC 4-12-9-4, AS AMENDED BY P.L.144-2006, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 4. (a) The tobacco farmers and rural community impact fund advisory board is established. The advisory board shall meet at least quarterly and at the call of the director ~~of the department of agriculture~~ to make recommendations concerning expenditures of money from the fund.

(b) The advisory board consists of the following:

(1) The director, ~~of the department of agriculture~~, who is an ex officio member and serves as chairperson of the advisory board.

(2) Two (2) members of the senate, who may not be members of the same political party, appointed by the president pro tempore of the senate.

(3) Two (2) members of the house of representatives, who may

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not be members of the same political party, appointed by the speaker of the house of representatives.

(4) The following appointees by the governor who represent the following organizations or interests:

(A) Two (2) tobacco growers.

(B) One (1) tobacco quota owner.

(C) Two (2) persons with knowledge and experience in state and regional economic development needs.

(D) One (1) person representing small towns or rural communities.

(E) One (1) person representing the Southern Indiana Rural Development Project.

(F) One (1) person representing agricultural programs at universities located in Indiana.

The members of the advisory board listed in subdivisions (1) through (3) are nonvoting members. The members of the advisory board listed in subdivision (4) are voting members.

(c) The term of office of a legislative member of the advisory board is four (4) years. However, a legislative member of the advisory board ceases to be a member of the advisory board if the member:

(1) is no longer a member of the chamber from which the member was appointed; or

(2) is removed from the advisory board under subsection (d).

(d) A legislative member of the advisory board may be removed at any time by the appointing authority who appointed the legislative member.

(e) The term of office of a member of the advisory board appointed under subsection (b)(4) is four (4) years. However, these members serve at the pleasure of the governor and may be removed for any reason.

(f) If a vacancy exists on the advisory board with respect to a legislative member or the members appointed under subsection (b)(4), the appointing authority who appointed the former member whose position has become vacant shall appoint an individual to fill the vacancy for the balance of the unexpired term.

(g) Five (5) voting members of the advisory board constitute a quorum for the transaction of business at a meeting of the advisory board. The affirmative vote of at least five (5) voting members of the advisory board is necessary for the advisory board to take action.

(h) Each member of the advisory board who is not a state employee is not entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is, however, entitled to reimbursement

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for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(i) Each member of the advisory board who is a state employee but who is not a member of the general assembly is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(j) Each member of the advisory board who is a member of the general assembly is entitled to receive the same per diem, mileage, and travel allowances paid to legislative members of interim study committees established by the legislative council. Per diem, mileage, and travel allowances paid under this subsection shall be paid from appropriations made to the legislative council or the legislative services agency.

(k) Payments authorized for members of the advisory board under subsections (h) through (i) are payable from the tobacco farmers and rural community impact fund.

SECTION 12. IC 5-14-3-4, AS AMENDED BY P.L.172-2007, SECTION 1, AND AS AMENDED BY P.L.179-2007, SECTION 9, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 4. (a) The following public records are excepted from section 3 of this chapter and may not be disclosed by a public agency, unless access to the records is specifically required by a state or federal statute or is ordered by a court under the rules of discovery:

- (1) Those declared confidential by state statute.
- (2) Those declared confidential by rule adopted by a public agency under specific authority to classify public records as confidential granted to the public agency by statute.
- (3) Those required to be kept confidential by federal law.
- (4) Records containing trade secrets.
- (5) Confidential financial information obtained, upon request, from a person. However, this does not include information that is filed with or received by a public agency pursuant to state statute.
- (6) Information concerning research, including actual research documents, conducted under the auspices of a state educational institution, including information:

(A) concerning any negotiations made with respect to the

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- 1 research; and
- 2 (B) received from another party involved in the research.
- 3 (7) Grade transcripts and license examination scores obtained as
- 4 part of a licensure process.
- 5 (8) Those declared confidential by or under rules adopted by the
- 6 supreme court of Indiana.
- 7 (9) Patient medical records and charts created by a provider,
- 8 unless the patient gives written consent under IC 16-39.
- 9 (10) Application information declared confidential by the board
- 10 of the Indiana economic development corporation under
- 11 IC 5-28-16.
- 12 (11) A photograph, a video recording, or an audio recording of an
- 13 autopsy, except as provided in IC 36-2-14-10.
- 14 (12) A Social Security number contained in the records of a
- 15 public agency.
- 16 (b) Except as otherwise provided by subsection (a), the following
- 17 public records shall be excepted from section 3 of this chapter at the
- 18 discretion of a public agency:
- 19 (1) Investigatory records of law enforcement agencies. However,
- 20 certain law enforcement records must be made available for
- 21 inspection and copying as provided in section 5 of this chapter.
- 22 (2) The work product of an attorney representing, pursuant to
- 23 state employment or an appointment by a public agency:
- 24 (A) a public agency;
- 25 (B) the state; or
- 26 (C) an individual.
- 27 (3) Test questions, scoring keys, and other examination data used
- 28 in administering a licensing examination, examination for
- 29 employment, or academic examination before the examination is
- 30 given or if it is to be given again.
- 31 (4) Scores of tests if the person is identified by name and has not
- 32 consented to the release of the person's scores.
- 33 (5) The following:
- 34 (A) Records relating to negotiations between the Indiana
- 35 economic development corporation, **the Indiana state**
- 36 **department of agriculture**, the Indiana finance authority, *or*
- 37 *an economic development ~~commissions~~, commission, a local*
- 38 *economic development organization (as defined in*
- 39 *IC 5-28-11-2(3)), or a governing body of a political*
- 40 *subdivision with industrial, research, or commercial prospects,*
- 41 *if the records are created while negotiations are in progress.*
- 42 (B) Notwithstanding clause (A), the terms of the final offer of

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public financial resources communicated by the Indiana economic development corporation, the Indiana finance authority, ~~or an economic development commissions~~ *commission, or a governing body of a political subdivision* to an industrial, a research, or a commercial prospect shall be available for inspection and copying under section 3 of this chapter after negotiations with that prospect have terminated.

(C) When disclosing a final offer under clause (B), the Indiana economic development corporation shall certify that the information being disclosed accurately and completely represents the terms of the final offer.

(6) Records that are intra-agency or interagency advisory or deliberative material, including material developed by a private contractor under a contract with a public agency, that are expressions of opinion or are of a speculative nature, and that are communicated for the purpose of decision making.

(7) Diaries, journals, or other personal notes serving as the functional equivalent of a diary or journal.

(8) Personnel files of public employees and files of applicants for public employment, except for:

(A) the name, compensation, job title, business address, business telephone number, job description, education and training background, previous work experience, or dates of first and last employment of present or former officers or employees of the agency;

(B) information relating to the status of any formal charges against the employee; and

(C) the factual basis for a disciplinary action in which final action has been taken and that resulted in the employee being suspended, demoted, or discharged.

However, all personnel file information shall be made available to the affected employee or the employee's representative. This subdivision does not apply to disclosure of personnel information generally on all employees or for groups of employees without the request being particularized by employee name.

(9) Minutes or records of hospital medical staff meetings.

(10) Administrative or technical information that would jeopardize a record keeping or security system.

(11) Computer programs, computer codes, computer filing systems, and other software that are owned by the public agency or entrusted to it and portions of electronic maps entrusted to a public agency by a utility.

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(12) Records specifically prepared for discussion or developed during discussion in an executive session under IC 5-14-1.5-6.1. However, this subdivision does not apply to that information required to be available for inspection and copying under subdivision (8).

(13) The work product of the legislative services agency under personnel rules approved by the legislative council.

(14) The work product of individual members and the partisan staffs of the general assembly.

(15) The identity of a donor of a gift made to a public agency if:

(A) the donor requires nondisclosure of the donor's identity as a condition of making the gift; or

(B) after the gift is made, the donor or a member of the donor's family requests nondisclosure.

(16) Library or archival records:

(A) which can be used to identify any library patron; or

(B) deposited with or acquired by a library upon a condition that the records be disclosed only:

(i) to qualified researchers;

(ii) after the passing of a period of years that is specified in the documents under which the deposit or acquisition is made; or

(iii) after the death of persons specified at the time of the acquisition or deposit.

However, nothing in this subdivision shall limit or affect contracts entered into by the Indiana state library pursuant to IC 4-1-6-8.

(17) The identity of any person who contacts the bureau of motor vehicles concerning the ability of a driver to operate a motor vehicle safely and the medical records and evaluations made by the bureau of motor vehicles staff or members of the driver licensing medical advisory board regarding the ability of a driver to operate a motor vehicle safely. However, upon written request to the commissioner of the bureau of motor vehicles, the driver must be given copies of the driver's medical records and evaluations.

(18) School safety and security measures, plans, and systems, including emergency preparedness plans developed under 511 IAC 6.1-2-2.5.

(19) A record or a part of a record, the public disclosure of which would have a reasonable likelihood of threatening public safety by exposing a vulnerability to terrorist attack. A record described under this subdivision includes:

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(A) a record assembled, prepared, or maintained to prevent, mitigate, or respond to an act of terrorism under IC 35-47-12-1 or an act of agricultural terrorism under IC 35-47-12-2;

(B) vulnerability assessments;

(C) risk planning documents;

(D) needs assessments;

(E) threat assessments;

(F) intelligence assessments;

(G) domestic preparedness strategies;

(H) the location of community drinking water wells and surface water intakes;

(I) the emergency contact information of emergency responders and volunteers;

(J) infrastructure records that disclose the configuration of critical systems such as communication, electrical, ventilation, water, and wastewater systems; and

(K) detailed drawings or specifications of structural elements, floor plans, and operating, utility, or security systems, whether in paper or electronic form, of any building or facility located on an airport (as defined in IC 8-21-1-1) that is owned, occupied, leased, or maintained by a public agency. A record described in this clause may not be released for public inspection by any public agency without the prior approval of the public agency that owns, occupies, leases, or maintains the airport. The public agency that owns, occupies, leases, or maintains the airport:

(i) is responsible for determining whether the public disclosure of a record or a part of a record has a reasonable likelihood of threatening public safety by exposing a vulnerability to terrorist attack; and

(ii) must identify a record described under item (i) and clearly mark the record as "confidential and not subject to public disclosure under IC 5-14-3-4(b)(19)(J) without approval of (insert name of submitting public agency)".

This subdivision does not apply to a record or portion of a record pertaining to a location or structure owned or protected by a public agency in the event that an act of terrorism under IC 35-47-12-1 or an act of agricultural terrorism under IC 35-47-12-2 has occurred at that location or structure, unless release of the record or portion of the record would have a reasonable likelihood of threatening public safety by exposing a vulnerability of other locations or structures to terrorist attack.

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(20) The following personal information concerning a customer of a municipally owned utility (as defined in IC 8-1-2-1):

(A) Telephone number.

(B) Address.

(C) Social Security number.

(21) The following personal information about a complainant contained in records of a law enforcement agency:

(A) Telephone number.

(B) The complainant's address. However, if the complainant's address is the location of the suspected crime, infraction, accident, or complaint reported, the address shall be made available for public inspection and copying.

(22) *Notwithstanding subdivision (8)(A), the name, compensation, job title, business address, business telephone number, job description, education and training background, previous work experience, or dates of first employment of a law enforcement officer who is operating in an undercover capacity.*

(c) Nothing contained in subsection (b) shall limit or affect the right of a person to inspect and copy a public record required or directed to be made by any statute or by any rule of a public agency.

(d) Notwithstanding any other law, a public record that is classified as confidential, other than a record concerning an adoption, shall be made available for inspection and copying seventy-five (75) years after the creation of that record.

(e) Notwithstanding subsection (d) and section 7 of this chapter:

(1) public records subject to IC 5-15 may be destroyed only in accordance with record retention schedules under IC 5-15; or

(2) public records not subject to IC 5-15 may be destroyed in the ordinary course of business.

SECTION 13. IC 5-14-1.5-6.1, AS AMENDED BY P.L.179-2007, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 6.1. (a) As used in this section, "public official" means a person:

(1) who is a member of a governing body of a public agency; or
(2) whose tenure and compensation are fixed by law and who executes an oath.

(b) Executive sessions may be held only in the following instances:

(1) Where authorized by federal or state statute.

(2) For discussion of strategy with respect to any of the following:

(A) Collective bargaining.

(B) Initiation of litigation or litigation that is either pending or has been threatened specifically in writing.

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(C) The implementation of security systems.

(D) The purchase or lease of real property by the governing body up to the time a contract or option to purchase or lease is executed by the parties.

However, all such strategy discussions must be necessary for competitive or bargaining reasons and may not include competitive or bargaining adversaries.

(3) For discussion of the assessment, design, and implementation of school safety and security measures, plans, and systems.

(4) Interviews and negotiations with industrial or commercial prospects or agents of industrial or commercial prospects by the Indiana economic development corporation, the office of tourism development, the Indiana finance authority, an economic development commission, **the Indiana state department of agriculture**, a local economic development organization (as defined in IC 5-28-11-2(3)), or a governing body of a political subdivision.

(5) To receive information about and interview prospective employees.

(6) With respect to any individual over whom the governing body has jurisdiction:

(A) to receive information concerning the individual's alleged misconduct; and

(B) to discuss, before a determination, the individual's status as an employee, a student, or an independent contractor who is:

(i) a physician; or

(ii) a school bus driver.

(7) For discussion of records classified as confidential by state or federal statute.

(8) To discuss before a placement decision an individual student's abilities, past performance, behavior, and needs.

(9) To discuss a job performance evaluation of individual employees. This subdivision does not apply to a discussion of the salary, compensation, or benefits of employees during a budget process.

(10) When considering the appointment of a public official, to do the following:

(A) Develop a list of prospective appointees.

(B) Consider applications.

(C) Make one (1) initial exclusion of prospective appointees from further consideration.

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Notwithstanding IC 5-14-3-4(b)(12), a governing body may release and shall make available for inspection and copying in accordance with IC 5-14-3-3 identifying information concerning prospective appointees not initially excluded from further consideration. An initial exclusion of prospective appointees from further consideration may not reduce the number of prospective appointees to fewer than three (3) unless there are fewer than three (3) prospective appointees. Interviews of prospective appointees must be conducted at a meeting that is open to the public.

(11) To train school board members with an outside consultant about the performance of the role of the members as public officials.

(12) To prepare or score examinations used in issuing licenses, certificates, permits, or registrations under IC 15-5-1.1 or IC 25.

(13) To discuss information and intelligence intended to prevent, mitigate, or respond to the threat of terrorism.

(c) A final action must be taken at a meeting open to the public.

(d) Public notice of executive sessions must state the subject matter by specific reference to the enumerated instance or instances for which executive sessions may be held under subsection (b). The requirements stated in section 4 of this chapter for memoranda and minutes being made available to the public is modified as to executive sessions in that the memoranda and minutes must identify the subject matter considered by specific reference to the enumerated instance or instances for which public notice was given. The governing body shall certify by a statement in the memoranda and minutes of the governing body that no subject matter was discussed in the executive session other than the subject matter specified in the public notice.

(e) A governing body may not conduct an executive session during a meeting, except as otherwise permitted by applicable statute. A meeting may not be recessed and reconvened with the intent of circumventing this subsection.

SECTION 14. IC 5-28-6-2, AS AMENDED BY P.L.1-2006, SECTION 126, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 2. (a) The corporation shall develop and promote programs designed to make the best use of Indiana resources to ensure a balanced economy and continuing economic growth for Indiana, and, for those purposes, may do the following:

(1) Cooperate with federal, state, and local governments and agencies in the coordination of programs to make the best use of Indiana resources.

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(2) Receive and expend funds, grants, gifts, and contributions of money, property, labor, interest accrued from loans made by the corporation, and other things of value from public and private sources, including grants from agencies and instrumentalities of the state and the federal government. The corporation:

(A) may accept federal grants for providing planning assistance, making grants, or providing other services or functions necessary to political subdivisions, planning commissions, or other public or private organizations;

(B) shall administer these grants in accordance with the terms of the grants; and

(C) may contract with political subdivisions, planning commissions, or other public or private organizations to carry out the purposes for which the grants were made.

(3) Direct that assistance, information, and advice regarding the duties and functions of the corporation be given to the corporation by an officer, agent, or employee of the executive branch of the state. The head of any other state department or agency may assign one (1) or more of the department's or agency's employees to the corporation on a temporary basis or may direct a division or an agency under the department's or agency's supervision and control to make a special study or survey requested by the corporation.

(b) The corporation shall perform the following duties:

(1) Develop and implement industrial development programs to encourage expansion of existing industrial, commercial, and business facilities in Indiana and to encourage new industrial, commercial, and business locations in Indiana.

(2) Assist businesses and industries in acquiring, improving, and developing overseas markets and encourage international plant locations in Indiana. The corporation, with the approval of the governor, may establish foreign offices to assist in this function.

(3) Promote the growth of minority business enterprises by doing the following:

(A) Mobilizing and coordinating the activities, resources, and efforts of governmental and private agencies, businesses, trade associations, institutions, and individuals.

(B) Assisting minority businesses in obtaining governmental or commercial financing for expansion or establishment of new businesses or individual development projects.

(C) Aiding minority businesses in procuring contracts from governmental or private sources, or both.

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- (D) Providing technical, managerial, and counseling assistance to minority business enterprises.
- (4) Assist the office of the lieutenant governor in:
- (A) community economic development planning;
 - (B) implementation of programs designed to further community economic development; and
 - (C) the development and promotion of Indiana's tourist resources.
- (5) Assist the secretary of agriculture and rural development in promoting and marketing of Indiana's agricultural products and provide assistance to the director of the **Indiana state** department of agriculture.
- (6) With the approval of the governor, implement federal programs delegated to the state to carry out the purposes of this article.
- (7) Promote the growth of small businesses by doing the following:
- (A) Assisting small businesses in obtaining and preparing the permits required to conduct business in Indiana.
 - (B) Serving as a liaison between small businesses and state agencies.
 - (C) Providing information concerning business assistance programs available through government agencies and private sources.
- (8) Establish a public information page on its current Internet site on the world wide web. The page must provide the following:
- (A) By program, cumulative information on the total amount of incentives awarded, the total number of companies that received the incentives and were assisted in a year, and the names and addresses of those companies.
 - (B) A mechanism on the page whereby the public may request further information online about specific programs or incentives awarded.
 - (C) A mechanism for the public to receive an electronic response.
- (c) The corporation may do the following:
- (1) Disseminate information concerning the industrial, commercial, governmental, educational, cultural, recreational, agricultural, and other advantages of Indiana.
 - (2) Plan, direct, and conduct research activities.
 - (3) Assist in community economic development planning and the implementation of programs designed to further community

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economic development.

SECTION 15. IC 10-19-8-2, AS AMENDED BY P.L.101-2006, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 2. (a) The council consists of the following members:

- (1) The lieutenant governor.
- (2) The executive director.
- (3) The superintendent of the state police department.
- (4) The adjutant general.
- (5) The state health commissioner.
- (6) The commissioner of the department of environmental management.
- (7) The director of the **Indiana state** department of agriculture.
- (8) The chairman of the Indiana utility regulatory commission.
- (9) The commissioner of the Indiana department of transportation.
- (10) The executive director of the Indiana criminal justice institute.
- (11) The commissioner of the bureau of motor vehicles.
- (12) A local law enforcement officer or a member of the law enforcement training academy appointed by the governor.
- (13) The speaker of the house of representatives or the speaker's designee.
- (14) The president pro tempore of the senate or the president pro tempore's designee.
- (15) The chief justice of the supreme court.
- (16) The director of the department of natural resources or, if designated by the director, the deputy director who manages the bureau of law enforcement and administration.
- (17) The state veterinarian.

(b) The members of the council under subsection (a)(13), (a)(14), and (a)(15) are nonvoting members.

(c) Representatives of the United States Department of Justice may serve as members of the council as the council and the Department of Justice may determine. Any representatives of the Department of Justice serve as nonvoting members of the council.

SECTION 16. IC 14-8-2-67, AS AMENDED BY P.L.1-2006, SECTION 206, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 67. (a) "Department", except for purposes of IC 14-32, refers to the department of natural resources.

(b) "Department" for purposes of IC 14-32, refers to the **Indiana state** department of agriculture established by IC 15-9-2-1.

SECTION 17. IC 14-8-2-77, AS AMENDED BY P.L.1-2006,

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SECTION 207, IS AMENDED TO READ AS FOLLOWS
[EFFECTIVE JULY 1, 2008]: Sec. 77. "Division" has the following
meaning:

(1) For purposes of IC 14-9-8, the meaning set forth in
IC 14-9-8-2.

(2) For purposes of IC 14-20-1, the meaning set forth in
IC 14-20-1-2.

(3) For purposes of IC 14-21-1, the meaning set forth in
IC 14-21-1-6.

(4) For purposes of IC 14-22, the division of fish and wildlife.

(5) For purposes of IC 14-24, the division of entomology and
plant pathology.

(6) For purposes of IC 14-25.5, the division of water.

(7) For purposes of IC 14-31-2, the meaning set forth in
IC 14-31-2-4.

(8) For purposes of IC 14-32, the division of soil conservation of
the **Indiana state** department of agriculture established by
IC 15-9-4-1.

(9) For purposes of IC 14-37, the division of oil and gas.

SECTION 18. IC 14-22-6-14, AS AMENDED BY P.L.1-2006,
SECTION 213, IS AMENDED TO READ AS FOLLOWS
[EFFECTIVE JULY 1, 2008]: Sec. 14. (a) The:

(1) division of fish and wildlife of the department; and

(2) division of soil conservation established within the **Indiana
state** department of agriculture by IC 15-9-4-1, through the soil
and water conservation districts established under IC 14-32;

shall, in cooperation with other conservation education organizations
and one (1) or more organizations of hunters, establish a program to
help landowners with problems determined by the director to be caused
by localized deer population.

(b) The program established under this section must educate
landowners concerning the means by which a landowner can:

(1) control; or

(2) obtain assistance in controlling;

the deer population on the landowner's tract of land.

(c) Under the program established under this section, one (1) or
more hunters or organizations of hunters may, upon request by a
landowner, work with the department and the landowner to alleviate
problems caused by localized deer populations.

(d) In each county, the division of fish and wildlife, in cooperation
with the soil and water conservation district established within the
county under IC 14-32, shall disseminate information about the

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1 program established under this section.

2 SECTION 19. IC 14-24-4.5-13, AS AMENDED BY P.L.1-2006,
3 SECTION 215, IS AMENDED TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2008]: Sec. 13. (a) The director of the **Indiana**
5 **state** department of agriculture or the director's designee shall serve as
6 compact administrator for Indiana. The duties of the compact
7 administrator are considered a regular part of the duties of the
8 commissioner of agriculture.

9 (b) Copies of bylaws and amendments to the compact adopted under
10 section 4(h) of this chapter must be filed with the compact
11 administrator.

12 SECTION 20. IC 14-24-4.5-14, AS AMENDED BY P.L.1-2006,
13 SECTION 216, IS AMENDED TO READ AS FOLLOWS
14 [EFFECTIVE JULY 1, 2008]: Sec. 14. Within the meaning of sections
15 6(b) and 8(a) of this chapter, a request or an application for assistance
16 from the fund may be made by the director of the **Indiana state**
17 department of agriculture or the director's designee whenever the
18 director or director's designee believes the conditions qualifying the
19 state for assistance exist and it would be in the best interest of the state
20 to make a request.

21 SECTION 21. IC 14-25-14-4, AS ADDED BY P.L.112-2006,
22 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
23 JULY 1, 2008]: Sec. 4. (a) Each of the following state agencies shall
24 designate a representative to advise the task force:

- 25 (1) The department.
- 26 (2) The department of environmental management.
- 27 (3) The department of homeland security.
- 28 (4) The **Indiana state** department of agriculture.
- 29 (5) The state department of health.

30 (b) In addition to the representatives set forth in subsection (a), the
31 director may invite representatives of other state and federal agencies
32 as appropriate to advise the task force.

33 SECTION 22. IC 14-32-2-1, AS AMENDED BY P.L.175-2006,
34 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
35 JULY 1, 2008]: Sec. 1. The soil conservation board is established
36 within the **Indiana state** department of agriculture established by
37 IC 15-9-2-1 as the policy making body for soil and water conservation.

38 SECTION 23. IC 14-32-2-3, AS AMENDED BY P.L.175-2006,
39 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
40 JULY 1, 2008]: Sec. 3. (a) A majority of the seven (7) appointed
41 members of the board must have experience as district supervisors.

42 (b) In making appointments to the board, the governor may invite

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and consider the recommendations of the following:

- (1) The Purdue University cooperative extension service.
- (2) The **Indiana state** department of agriculture.
- (3) The Indiana Association of Soil and Water Conservation Districts.

(c) All appointments to the board shall be made without regard to political affiliation.

(d) The members appointed to the board under section 2(1) and 2(2) of this chapter must be residents of at least four (4) different geographic regions of Indiana.

SECTION 24. IC 14-32-2-7, AS AMENDED BY P.L.175-2006, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 7. (a) The governor may appoint advisory members from other organizations that promote conservation, including local, state, and federal agencies upon the recommendation of the board.

(b) The governor shall appoint members to the advisory board that represent the following:

- (1) The **Indiana state** department of agriculture.
- (2) The department of natural resources.
- (3) The department of environmental management.
- (4) The Purdue University cooperative extension service.
- (5) The Indiana Association of Soil and Water Conservation Districts.
- (6) The Farm Service Agency of the United States Department of Agriculture.
- (7) The Natural Resources Conservation Service of the United States Department of Agriculture.

SECTION 25. IC 14-32-2-8, AS AMENDED BY P.L.1-2006, SECTION 221, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 8. (a) The members of the board shall elect a member as the chairman of the board.

(b) The director of the division of soil conservation established within the **Indiana state** department of agriculture by IC 15-9-4-1 is the secretary of the board.

SECTION 26. IC 14-32-5-4, AS AMENDED BY P.L.1-2006, SECTION 222, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 4. (a) As used in this section, "landfill" means a facility where solid waste is to be disposed of through placement on or beneath the surface of the ground. However, the term does not include any of the following:

- (1) A land application operation regulated under 327 IAC 6.

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- 1 (2) A surface impoundment.
- 2 (3) An injection well.
- 3 (4) A facility for the disposal of solid waste other than sludge
- 4 from a municipal wastewater treatment plant that is:
- 5 (A) generated at the site of the facility; or
- 6 (B) generated by the owner or operator of the facility.
- 7 (5) An operation permitted under IC 14-34.
- 8 (b) As used in this section, "underground injection" means the
- 9 subsurface emplacement of fluids through:
- 10 (1) a bored, drilled, or driven shaft; or
- 11 (2) a dug hole, the depth of which is greater than the hole's largest
- 12 surface dimension.
- 13 (c) A district shall inspect every landfill located within the
- 14 boundaries of the district for compliance with rules adopted under
- 15 IC 13-18 or IC 13-19 concerning erosion and sediment control. Each
- 16 landfill shall be inspected under this section at least two (2) times each
- 17 calendar year as follows:
- 18 (1) One (1) time before July 1.
- 19 (2) One (1) time after June 30 and before December 31.
- 20 (d) Not later than ten (10) days after an inspection of a landfill under
- 21 this section, the individual who conducted the inspection on behalf of
- 22 the district shall prepare a written report on the results of the inspection
- 23 and send the report to the following:
- 24 (1) The executive of the county.
- 25 (2) The commissioner of the department of environmental
- 26 management.
- 27 (3) The director of the division of soil conservation established
- 28 within the **Indiana state** department of agriculture by
- 29 IC 15-9-4-1.
- 30 SECTION 27. IC 14-32-7-6, AS AMENDED BY P.L.175-2006,
- 31 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 32 JULY 1, 2008]: Sec. 6. (a) The division of soil conservation:
- 33 (1) shall administer and coordinate the duties and responsibilities
- 34 of the **Indiana state** department of agriculture under the land
- 35 resource programs authorized by this chapter; and
- 36 (2) in carrying out its duties under subdivision (1), may work in
- 37 cooperation with the following:
- 38 (A) Federal and state agencies.
- 39 (B) Local governmental agencies involved in land use
- 40 planning and zoning.
- 41 (C) Any person, firm, institution, or agency, public or private,
- 42 having an interest in land conservation.

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(b) The **Indiana state** department of agriculture may employ the personnel and provide facilities and services that are necessary to carry out the **Indiana state** department of agriculture's duties and responsibilities under this chapter.

(c) The **Indiana state** department of agriculture shall prepare an annual report of the division of soil conservation's expenditures and accomplishments and that contains a proposed business plan.

SECTION 28. IC 14-32-7-7, AS AMENDED BY P.L.1-2006, SECTION 224, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 7. (a) As used in this section, "urban geology survey" means a systematic scientific identification, inventory, and mapping of the earth materials of a given area that sets forth the capabilities, potentials, and limitations of the earth materials for human needs.

(b) The **Indiana state** department of agriculture shall use the money appropriated by the general assembly to initiate and carry out a program of urban geology surveys, together with other geologic investigations, for Indiana to develop and present the geologic data and information necessary to a coordinated land conservation program that will promote sound land use decisions.

SECTION 29. IC 14-32-7-8, AS AMENDED BY P.L.1-2006, SECTION 225, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 8. (a) As used in this section, "landscape survey" means a systematic scientific identification, inventory, and mapping of the features of the earth's surface that serve to constitute the landscape of a given area, including key factors such as the following:

- (1) Land form.
- (2) Vegetation.
- (3) Wildlife.
- (4) Physical characteristics.
- (5) Visual perception.
- (6) Historical and cultural sites.

(b) The **Indiana state** department of agriculture shall use the money appropriated by the general assembly to initiate and carry out a program of landscape surveys for Indiana to develop and present the surficial landscape data and information necessary to promote wise land use decisions.

SECTION 30. IC 14-32-7-8.5, AS AMENDED BY P.L.175-2006, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 8.5. (a) As used in this section, "soil survey" means a systematic scientific identification, inventory, and mapping of

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the soils of a given area that sets forth the capabilities, potential, and limitations of the soils in the satisfaction of human needs.

(b) The **Indiana state** department of agriculture shall use the money appropriated by the general assembly to implement and supplement a program of modern soil surveys and geographic information systems (GIS) for Indiana that will, within the shortest practicable time, provide a modern soil survey and geographic information system for each county as an essential tool in land conservation.

SECTION 31. IC 14-32-7-9, AS AMENDED BY P.L.1-2006, SECTION 227, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 9. The **Indiana state** department of agriculture shall provide more support and assistance to the local soil and water conservation districts by:

(1) granting to the districts the additional money that is appropriated by the general assembly; and

(2) increased coordination and consultative services; to obtain increased participation by the districts in the development of improved local land use practices and decisions.

SECTION 32. IC 14-32-7-10, AS AMENDED BY P.L.1-2006, SECTION 228, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 10. The **Indiana state** department of agriculture shall use the money appropriated by the general assembly to expand the small watershed planning program as carried out in cooperation with the Natural Resources Conservation Service of the United States Department of Agriculture under 16 U.S.C. 1001 et seq., to reduce the accumulation of approved watershed planning requests and expedite the realization of the multiple benefits of this soil and water conservation program.

SECTION 33. IC 14-32-7-11, AS AMENDED BY P.L.1-2006, SECTION 229, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 11. The **Indiana state** department of agriculture shall coordinate and schedule the programs authorized by sections 7 through 8 of this chapter to provide, as nearly as practicable, for concurrent completion and furnishing of the results of each program for each selected area study unit.

SECTION 34. IC 14-32-7-13, AS AMENDED BY P.L.1-2006, SECTION 230, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 13. The **Indiana state** department of agriculture shall administer this article subject to the direction of the board.

SECTION 35. IC 14-32-8-4, AS AMENDED BY P.L.1-2006, SECTION 231, IS AMENDED TO READ AS FOLLOWS

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[EFFECTIVE JULY 1, 2008]: Sec. 4. The clean water Indiana program is established. The division of soil conservation established within the **Indiana state** department of agriculture by IC 15-9-4-1 shall administer the program subject to the direction of the board.

SECTION 36. IC 15-1.5-2-2, AS AMENDED BY P.L.1-2007, SECTION 130, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 2. (a) The commission consists of eight (8) members as follows:

- (1) Five (5) members appointed by the governor.
- (2) The presiding officer of the board.
- (3) The director of the **Indiana state** department of agriculture or the director's designee.
- (4) The presiding officer of the trustees or the presiding officer's designee who must be selected from the membership of the trustees.

(b) The chairman of the state fair advisory committee appointed under IC 15-1-1.5-5(c) or a member of the state fair advisory committee designated by the chairman may serve as an ex officio nonvoting member of the commission.

(c) Not more than one (1) member appointed under subsection (a)(1) may reside in the same district. Each district is not required to have a member of the commission represent it.

(d) Not more than three (3) members appointed under subsection (a)(1) may be affiliated with the same political party.

(e) Two (2) members appointed under subsection (a)(1) must have a recognized interest in agriculture or agribusiness.

SECTION 37. IC 15-1.5-4-2, AS AMENDED BY P.L.1-2006, SECTION 234, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 2. (a) The board consists of seventeen (17) members as follows:

- (1) The governor or the governor's designee.
- (2) The director of the **Indiana state** department of agriculture or the director's designee.
- (3) The director of the cooperative extension service of Purdue University or the director's designee.
- (4) Seven (7) members appointed by the governor, one (1) from each district under this chapter.
- (5) One (1) member elected from each district under this chapter.

(b) Not more than one (1) member appointed under subsection (a)(4) may reside in the same district.

(c) Not more than four (4) members appointed under subsection (a)(4) may be affiliated with the same political party.

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(d) Each member appointed under subsection (a)(4) must have a recognized interest in agriculture or agribusiness.

(e) When an appointment of a member under subsection (a)(4) is required, the appointment may not be made until after the election of members under subsection (a)(5) for that year is certified.

SECTION 38. IC 15-1.5-4-9, AS AMENDED BY P.L.1-2006, SECTION 235, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 9. If an organization wants to be certified to vote in an election under this chapter, the organization must apply to the director of the **Indiana state** department of agriculture.

SECTION 39. IC 15-1.5-4-10, AS AMENDED BY P.L.1-2006, SECTION 236, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 10. (a) Subject to sections 11 through 13 of this chapter, the director of the **Indiana state** department of agriculture shall certify an organization that applies under section 9 of this chapter only if the organization:

- (1) is an agricultural interest;
- (2) is regularly organized within the district;
- (3) has at least ten (10) active members;
- (4) has duly elected officers;
- (5) has an annual meeting;
- (6) has been in existence for at least one (1) year before the application for certification is filed with the director of the **Indiana state** department of agriculture; and
- (7) before July 1 of the year of the election in which the organization wants to participate, files with the director of the **Indiana state** department of agriculture:
 - (A) the name of the organization;
 - (B) the names and addresses of the organization's officers;
 - (C) the name, address, and title of the individual who is authorized by the organization to vote for the organization in an election under this chapter;
 - (D) the number of the organization's active members;
 - (E) a certification that the organization is eligible to be certified under this chapter; and
 - (F) other information required by the director of the **Indiana state** department of agriculture.

(b) A certification expires on July 1 of the fourth year after the certification is issued by the director of the **Indiana state** department of agriculture.

SECTION 40. IC 15-1.5-4-13, AS AMENDED BY P.L.1-2006, SECTION 237, IS AMENDED TO READ AS FOLLOWS

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[EFFECTIVE JULY 1, 2008]: Sec. 13. (a) The director of the **Indiana state** department of agriculture may not certify more than two (2) organizations in a county representing an agricultural interest described in any subdivision of IC 15-1.5-1-2.

(b) If more than two (2) organizations in a county representing an agricultural interest described in a subdivision of IC 15-1.5-1-2 apply for certification, the director of the **Indiana state** department of agriculture may certify any two (2) organizations, considering the following criteria:

- (1) Order of application for certification.
- (2) Number of members of each organization.
- (3) How long each organization has been in existence.
- (4) Activity of each organization in promotion of agricultural interests.
- (5) Diversity of representation of interests within the agricultural community.

SECTION 41. IC 15-1.5-4-14, AS AMENDED BY P.L.1-2006, SECTION 238, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 14. (a) Before September 1 of the year the term of a member representing a district expires, the director of the **Indiana state** department of agriculture shall notify each agricultural interest certified within the member's district that a convention will be held to elect the member to represent the district.

(b) Subject to section 17 of this chapter, the director of the **Indiana state** department of agriculture shall state in the notice required by subsection (a) the time and the place of the convention and the name of the presiding officer. The director of the **Indiana state** department of agriculture shall choose a time and a place that will encourage maximum participation in the convention by certified agricultural interests.

SECTION 42. IC 15-1.5-4-15, AS AMENDED BY P.L.1-2006, SECTION 239, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 15. The director of the **Indiana state** department of agriculture shall send copies of the credentials of each individual entitled to vote in a convention to the following:

- (1) The board member representing the district.
- (2) The individual who will preside over the district convention.

SECTION 43. IC 15-1.5-4-16, AS AMENDED BY P.L.1-2006, SECTION 240, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 16. (a) The director of the **Indiana state** department of agriculture shall choose from among the members of the commission the individual to preside at a convention.

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(b) The presiding officer of the convention may vote in the case of a tie vote on any matter.

SECTION 44. IC 15-1.5-4-18, AS AMENDED BY P.L.1-2006, SECTION 241, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 18. The director of the **Indiana state** department of agriculture shall adopt rules for the business of a convention. Rules adopted under this section may not be inconsistent with this chapter.

SECTION 45. IC 15-1.5-4-23, AS AMENDED BY P.L.1-2006, SECTION 242, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 23. The director of the **Indiana state** department of agriculture may:

(1) adopt rules under IC 4-22-2; and

(2) prescribe forms;

to implement sections 9 through 22 of this chapter.

SECTION 46. IC 15-1.5-10.5-4, AS AMENDED BY P.L.1-2006, SECTION 243, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 4. (a) The trustees govern the barn. The trustees consist of seventeen (17) members as follows:

(1) The governor or the governor's designee.

(2) The director of the **Indiana state** department of agriculture or the director's designee.

(3) The dean of agriculture of Purdue University or the dean's designee.

(4) The president of the Purdue University Agriculture Alumni Association or the president's designee.

(5) The state superintendent of public instruction or the state superintendent's designee.

(6) The state veterinarian or the state veterinarian's designee.

(7) The presiding officer of the state fair commission or the presiding officer's designee selected from the membership of the state fair commission.

(8) The presiding officer of the state fair board or the presiding officer's designee selected from the membership of the state fair board.

(9) One (1) member appointed by the largest Indiana organization representing agricultural interests in Indiana, as determined by the number of members of the organization. The member serves at the pleasure of the member's organization.

(10) One (1) member appointed by the second largest Indiana organization representing agricultural interests in Indiana, as determined by the number of members of the organization. The

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member serves at the pleasure of the member's organization.

(11) Seven (7) members appointed by the governor.

(b) Of the members appointed under subsection (a)(11), not more than four (4) may be affiliated with the same political party.

(c) Each member appointed under subsection (a)(11) must have a recognized interest in the barn.

SECTION 47. IC 15-4-3.5-3, AS AMENDED BY P.L.1-2006, SECTION 245, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 3. A representative group of not less than five percent (5%) of the producers of an agricultural commodity, may petition the dean for permission to establish a commodity market development council. This petition shall include:

(a) a statement of the area of production to be included; the area shall be statewide, except that it may be limited to a well defined smaller area where such area is the principal commercial producer in the state of the commodity;

(b) a statement of the general purposes of the commodity market development council program which may include research, education, market development, publicity, sales promotion, and cooperation with other state, regional, and national organizations;

(c) the amount of the fee that is desired to be collected for each designated unit of commercial quantities of the commodity;

(d) the method or methods to be used in the collection of the fee;

(e) the composition, qualification, terms of office, method of nomination, election, filling unexpired terms, expenses, and duties of the members of the council, but:

(1) the council shall consist of an odd number of not less than five (5) nor more than fifteen (15) members who shall serve not more than six (6) consecutive years and of whom the majority shall be producers to be selected by producers;

(2) the dean shall serve as an ex-officio member of the council; and

(3) the director of the **Indiana state** department of agriculture or the director's designee shall serve as an ex-officio member of the council; and

(f) the method of conducting the referendum of the commodity producers either by mail or by polling place depending on the area and volume of the commodity.

SECTION 48. IC 15-4-10-4, AS AMENDED BY P.L.1-2006, SECTION 246, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 4. As used in this chapter, "director" refers to the director of the **Indiana state** department of

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1 agriculture or the person designated by the director of the **Indiana**
 2 **state** department of agriculture to carry out duties imposed on the
 3 director of the **Indiana state** department of agriculture under this
 4 chapter.

5 SECTION 49. IC 15-4-11-1, AS AMENDED BY P.L.1-2006,
 6 SECTION 248, IS AMENDED TO READ AS FOLLOWS
 7 [EFFECTIVE JULY 1, 2008]: Sec. 1. This chapter applies to civil
 8 actions against a seller for the failure of agricultural or vegetable seeds
 9 to perform if the container in which the seeds were sold included the
 10 following notice on the label:

11 NOTICE OF REQUIRED ARBITRATION

12 Under the seed laws of Indiana and some other states, arbitration
 13 is required as a precondition of maintaining certain legal actions,
 14 counterclaims, or defenses against a seller of seed. Information
 15 about this requirement, where applicable, may be obtained from
 16 a state's seed commissioner or the **Indiana state** department of
 17 agriculture.

18 SECTION 50. IC 15-4-12-3, AS AMENDED BY P.L.1-2006,
 19 SECTION 251, IS AMENDED TO READ AS FOLLOWS
 20 [EFFECTIVE JULY 1, 2008]: Sec. 3. As used in this chapter,
 21 "director" refers to the director of the **Indiana state** department of
 22 agriculture or the director's designee.

23 SECTION 51. IC 15-4-13-12, AS AMENDED BY P.L.1-2006,
 24 SECTION 261, IS AMENDED TO READ AS FOLLOWS
 25 [EFFECTIVE JULY 1, 2008]: Sec. 12. (a) As used in this section,
 26 "suit" refers to a suit commenced against a farmer by a seed supplier to
 27 enforce its rights under, or in connection with, a seed contract.

28 (b) If a seed supplier files suit against a farmer, the seed supplier
 29 shall provide simultaneous written notice of the suit to the director of
 30 the **Indiana state** department of agriculture.

31 (c) Failure to give notice of the suit to the director of the **Indiana**
 32 **state** department of agriculture as provided in subsection (b) does not
 33 impair the jurisdiction of the court to hear the suit.

34 (d) A seed supplier that fails to give notice to the director of the
 35 **Indiana state** department of agriculture as provided in subsection (b)
 36 commits a Class B infraction.

37 (e) The director of the **Indiana state** department of agriculture shall
 38 keep a file of all notices of suits received under this section.

39 SECTION 52. IC 15-6-4-3, AS AMENDED BY P.L.1-2006,
 40 SECTION 270, IS AMENDED TO READ AS FOLLOWS
 41 [EFFECTIVE JULY 1, 2008]: Sec. 3. As used in this chapter,
 42 "director" refers to the director of the **Indiana state** department of

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1 agriculture or the director's designee.

2 SECTION 53. IC 15-6-4-16, AS AMENDED BY P.L.241-2005,
3 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2008]: Sec. 16. The board shall do the following:

5 (1) Elect from among the board's members a chairperson, vice
6 chairperson, secretary, treasurer, and other officers the board
7 considers necessary.

8 (2) Employ personnel and contract for services that are necessary
9 for the proper implementation of this chapter.

10 (3) Establish accounts in adequately protected financial
11 institutions to receive, hold, and disburse funds accumulated
12 under this chapter.

13 (4) Bond the treasurer and other persons as necessary to ensure
14 adequate protection of funds received and administered by the
15 board.

16 (5) Authorize the expenditure of funds and the contracting of
17 expenditures to conduct proper activities under this chapter.

18 (6) Annually establish priorities and prepare and approve a budget
19 consistent with the estimated resources of the board and the scope
20 of this chapter.

21 (7) Provide for an independent audit, provide the results of the
22 audit to the state board of accounts and the **Indiana state**
23 department of agriculture, and make the results of the audit
24 available to all interested persons.

25 (8) Procure and evaluate data and information necessary for the
26 proper implementation of this chapter.

27 (9) Formulate and execute assessment procedures and methods of
28 collection.

29 (10) Establish procedures to annually inform all producers
30 regarding board members, policy, expenditures, and programs for
31 the preceding year.

32 (11) Receive and investigate, or cause to be investigated,
33 complaints and violations of this chapter and take necessary
34 action within its authority.

35 (12) Take any other action necessary for the proper
36 implementation of this chapter, including the adoption of rules
37 under IC 4-22-2.

38 SECTION 54. IC 15-7-2-1, AS AMENDED BY P.L.1-2006,
39 SECTION 273, IS AMENDED TO READ AS FOLLOWS
40 [EFFECTIVE JULY 1, 2008]: Sec. 1. The director of the **Indiana state**
41 department of agriculture who will hereafter be referred to as "director"
42 is hereby designated as the state official of the state to make application

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to and receive from the Secretary of Agriculture of the United States, or any other proper federal official, pursuant and subject to the provisions of Public Law 499, 81st Congress, approved May 3, 1950, the trust assets, either funds or property, held by the United States as trustee in behalf of the Indiana rural rehabilitation corporation.

SECTION 55. IC 15-7-8-1, AS AMENDED BY P.L.1-2006, SECTION 278, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1. As used in this chapter, "director" refers to the director of the **Indiana state** department of agriculture or the director's designee.

SECTION 56. IC 15-7-9-2, AS AMENDED BY P.L.1-2006, SECTION 283, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 2. As used in this chapter, "director" refers to the director of the **Indiana state** department of agriculture.

SECTION 57. IC 15-9-1-2, AS ADDED BY P.L.83-2005, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 2. "Department" refers to the **Indiana state** department of agriculture established by IC 15-9-2-1.

SECTION 58. IC 15-9-1-3, AS ADDED BY P.L.83-2005, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 3. "Director" refers to the director of the department of agriculture appointed under IC 15-9-3-1.

SECTION 59. IC 15-9-2-1, AS ADDED BY P.L.83-2005, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1. The **Indiana state** department of agriculture is established.

SECTION 60. IC 15-9-2-3, AS AMENDED BY P.L.1-2006, SECTION 294, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 3. The department shall do the following:

(1) Provide administrative and staff support for the following:

~~(A)~~ The center for value added research.

~~(B)~~ (A) The state fair board for purposes of administering the director of the department of agriculture's director's duties under IC 15-1.5-4.

~~(C)~~ (B) The Indiana corn marketing council for purposes of administering the duties of the director of the department of agriculture under IC 15-4-10.

~~(D)~~ (C) The Indiana organic peer review panel.

~~(E)~~ (D) The Indiana dairy industry development board for purposes of administering the duties of the director of the

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department of agriculture under IC 15-6-4.

~~(F)~~ (E) The Indiana land resources council.

~~(G)~~ (F) The Indiana grain buyers and warehouse licensing agency.

~~(H)~~ (G) The Indiana grain indemnity corporation.

~~(I)~~ (H) The division of soil conservation established by IC 15-9-4-1.

(2) Administer the election of state fair board members.

(3) Administer state programs and laws promoting agricultural trade.

(4) Administer state livestock or agriculture marketing grant programs.

(5) Administer economic development efforts for agriculture by doing the following:

(A) Promoting value added agricultural resources.

(B) Marketing Indiana agriculture to businesses internationally.

(C) Assisting Indiana agricultural businesses with developing partnerships with the Indiana economic development corporation.

(D) Soliciting private funding for selective economic development and trade initiatives.

(E) Providing for the orderly economic development and growth of Indiana's agricultural economy.

SECTION 61. IC 15-9-2-5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 5. The department shall promote the growth of agricultural businesses by doing the following:**

(1) Assisting agricultural businesses with the permit process required to conduct business in Indiana.

(2) Serving as a liaison between agricultural businesses, state agencies, and local units of government.

SECTION 62. IC 15-9-2-6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 6. (a) The department may implement voluntary certification programs that promote and foster agricultural development in Indiana.**

(b) Criteria for any certification programs implemented under this section may be adopted by rules adopted by the department under IC 4-22-2.

SECTION 63. IC 15-9-5-7, AS ADDED BY P.L.182-2007, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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JULY 1, 2008]: Sec. 7. (a) The department may award a grant under this chapter to a person that:

(1) makes a qualified investment; and

(2) places the qualified investment in service;

in Indiana for the dispensing of E85 base fuel into the fuel tanks of motor vehicles.

(b) A recipient of a grant awarded under this chapter must comply with any guidelines developed by the ~~state department of agriculture's~~ **department's** office of energy and defense development.

SECTION 64. IC 15-9-5-8, AS ADDED BY P.L.182-2007, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 8. (a) Subject to subsection (b), the ~~state department of agriculture's~~ **department's** office of energy and defense development shall determine the amount of each grant awarded under this chapter.

(b) The amount of a grant awarded under this chapter may not exceed the lesser of the following:

(1) The amount of the person's qualified investment.

(2) Five thousand dollars (\$5,000) for all qualified investments made by the person at a single location.

SECTION 65. IC 21-46-2-1, AS ADDED BY P.L.2-2007, SECTION 287, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1. The director of the **Indiana state** department of agriculture shall ~~establish a center for value added research to~~ perform the following duties:

(1) **Work with each county to** develop a **biannual** strategic assessment of Indiana agricultural industries and establish targeted priorities for industry expansion.

(2) Develop recommendations for legislative and administrative programs that will enhance economic development in the targeted agricultural industries.

(3) ~~Identify and prioritize research development and educational needs for expanding value added opportunities in Indiana.~~

(3) Conduct analyses of significant agricultural markets and issues.

(4) Establish cooperative industry research and development initiatives ~~that lead to new agricultural industry opportunities in Indiana.~~ **initiative plans before each session of the general assembly.**

(5) Serve as a resource for industry in the planning, promotion, and development of value added agricultural products and agricultural industry opportunities in Indiana, including product

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feasibility, market feasibility, economic feasibility, product development, product testing, and test marketing.

(6) Serve as a resource for industry and the state in attracting value added agricultural industry to Indiana.

(7) Develop private sector research funding and technology transfer programs commensurate with the state's targeted agricultural industry economic development objectives.

(8) Provide a forum for continuing dialogue between industry, government, and researchers in addressing the needs and opportunities for expanding the value added agricultural industry.

SECTION 66. IC 26-3-7-1, AS AMENDED BY P.L.1-2006, SECTION 482, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1. (a) ~~There is created in the department of agriculture an agency to be known as~~ The Indiana grain buyers and warehouse licensing agency **is established within the Indiana state department of agriculture** to administer this chapter. The director of the **Indiana state** department of agriculture may appoint the director of the agency, who shall serve at the pleasure of the director of the **Indiana state** department of agriculture. The director shall administer this chapter and shall be the ultimate authority in the administration of this chapter.

(b) The agency may employ all necessary employees, counsel, and consultants to carry out the provisions of this chapter and is vested with the power necessary to fully and effectively carry out the provisions and objectives of this chapter.

SECTION 67. IC 34-30-2-64, AS AMENDED BY P.L.1-2006, SECTION 520, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 64. IC 15-7-2-5 (Concerning the United States and the United States Secretary of Agriculture for the transfer of assets to the director of the **Indiana state** department of agriculture on behalf of the Indiana rural rehabilitation corporation).

SECTION 68. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2008]: IC 4-4-3.3-4; IC 4-4-3.3-5; IC 4-4-3.3-6; IC 4-4-3.3-7; IC 21-46-2-2; IC 21-46-2-3; IC 24-6-7.

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SENATE MOTION

Madam President: I move that Senator Nugent be added as second author of Senate Bill 314.

FORD

COMMITTEE REPORT

Madam President: The Senate Committee on Agriculture and Small Business, to which was referred Senate Bill No. 314, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 314 as introduced.)

NUGENT, Chairperson

Committee Vote: Yeas 9, Nays 1.

SENATE MOTION

Madam President: I move that Senate Bill 314 be amended to read as follows:

Page 6, between lines 21 and 22, begin a new paragraph and insert:

"SECTION 6. IC 5-14-3-4, AS AMENDED BY P.L.172-2007, SECTION 1, AND AS AMENDED BY P.L.179-2007, SECTION 9, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 4. (a) The following public records are excepted from section 3 of this chapter and may not be disclosed by a public agency, unless access to the records is specifically required by a state or federal statute or is ordered by a court under the rules of discovery:

- (1) Those declared confidential by state statute.
- (2) Those declared confidential by rule adopted by a public agency under specific authority to classify public records as confidential granted to the public agency by statute.
- (3) Those required to be kept confidential by federal law.
- (4) Records containing trade secrets.
- (5) Confidential financial information obtained, upon request, from a person. However, this does not include information that is filed with or received by a public agency pursuant to state statute.

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(6) Information concerning research, including actual research documents, conducted under the auspices of a state educational institution, including information:

(A) concerning any negotiations made with respect to the research; and

(B) received from another party involved in the research.

(7) Grade transcripts and license examination scores obtained as part of a licensure process.

(8) Those declared confidential by or under rules adopted by the supreme court of Indiana.

(9) Patient medical records and charts created by a provider, unless the patient gives written consent under IC 16-39.

(10) Application information declared confidential by the board of the Indiana economic development corporation under IC 5-28-16.

(11) A photograph, a video recording, or an audio recording of an autopsy, except as provided in IC 36-2-14-10.

(12) A Social Security number contained in the records of a public agency.

(b) Except as otherwise provided by subsection (a), the following public records shall be excepted from section 3 of this chapter at the discretion of a public agency:

(1) Investigatory records of law enforcement agencies. However, certain law enforcement records must be made available for inspection and copying as provided in section 5 of this chapter.

(2) The work product of an attorney representing, pursuant to state employment or an appointment by a public agency:

(A) a public agency;

(B) the state; or

(C) an individual.

(3) Test questions, scoring keys, and other examination data used in administering a licensing examination, examination for employment, or academic examination before the examination is given or if it is to be given again.

(4) Scores of tests if the person is identified by name and has not consented to the release of the person's scores.

(5) The following:

(A) Records relating to negotiations between the Indiana economic development corporation, **the Indiana state department of agriculture**, the Indiana finance authority, ~~or an economic development commissions, commission, a local economic development organization (as defined in~~

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IC 5-28-11-2(3)), or a governing body of a political subdivision with industrial, research, or commercial prospects, if the records are created while negotiations are in progress.

(B) Notwithstanding clause (A), the terms of the final offer of public financial resources communicated by the Indiana economic development corporation, the Indiana finance authority, ~~or an economic development commissions commission~~, *or a governing body of a political subdivision* to an industrial, a research, or a commercial prospect shall be available for inspection and copying under section 3 of this chapter after negotiations with that prospect have terminated.

(C) When disclosing a final offer under clause (B), the Indiana economic development corporation shall certify that the information being disclosed accurately and completely represents the terms of the final offer.

(6) Records that are intra-agency or interagency advisory or deliberative material, including material developed by a private contractor under a contract with a public agency, that are expressions of opinion or are of a speculative nature, and that are communicated for the purpose of decision making.

(7) Diaries, journals, or other personal notes serving as the functional equivalent of a diary or journal.

(8) Personnel files of public employees and files of applicants for public employment, except for:

(A) the name, compensation, job title, business address, business telephone number, job description, education and training background, previous work experience, or dates of first and last employment of present or former officers or employees of the agency;

(B) information relating to the status of any formal charges against the employee; and

(C) the factual basis for a disciplinary action in which final action has been taken and that resulted in the employee being suspended, demoted, or discharged.

However, all personnel file information shall be made available to the affected employee or the employee's representative. This subdivision does not apply to disclosure of personnel information generally on all employees or for groups of employees without the request being particularized by employee name.

(9) Minutes or records of hospital medical staff meetings.

(10) Administrative or technical information that would jeopardize a record keeping or security system.

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(11) Computer programs, computer codes, computer filing systems, and other software that are owned by the public agency or entrusted to it and portions of electronic maps entrusted to a public agency by a utility.

(12) Records specifically prepared for discussion or developed during discussion in an executive session under IC 5-14-1.5-6.1. However, this subdivision does not apply to that information required to be available for inspection and copying under subdivision (8).

(13) The work product of the legislative services agency under personnel rules approved by the legislative council.

(14) The work product of individual members and the partisan staffs of the general assembly.

(15) The identity of a donor of a gift made to a public agency if:
 (A) the donor requires nondisclosure of the donor's identity as a condition of making the gift; or
 (B) after the gift is made, the donor or a member of the donor's family requests nondisclosure.

(16) Library or archival records:
 (A) which can be used to identify any library patron; or
 (B) deposited with or acquired by a library upon a condition that the records be disclosed only:
 (i) to qualified researchers;
 (ii) after the passing of a period of years that is specified in the documents under which the deposit or acquisition is made; or
 (iii) after the death of persons specified at the time of the acquisition or deposit.

However, nothing in this subdivision shall limit or affect contracts entered into by the Indiana state library pursuant to IC 4-1-6-8.

(17) The identity of any person who contacts the bureau of motor vehicles concerning the ability of a driver to operate a motor vehicle safely and the medical records and evaluations made by the bureau of motor vehicles staff or members of the driver licensing medical advisory board regarding the ability of a driver to operate a motor vehicle safely. However, upon written request to the commissioner of the bureau of motor vehicles, the driver must be given copies of the driver's medical records and evaluations.

(18) School safety and security measures, plans, and systems, including emergency preparedness plans developed under 511 IAC 6.1-2-2.5.

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(19) A record or a part of a record, the public disclosure of which would have a reasonable likelihood of threatening public safety by exposing a vulnerability to terrorist attack. A record described under this subdivision includes:

- (A) a record assembled, prepared, or maintained to prevent, mitigate, or respond to an act of terrorism under IC 35-47-12-1 or an act of agricultural terrorism under IC 35-47-12-2;
- (B) vulnerability assessments;
- (C) risk planning documents;
- (D) needs assessments;
- (E) threat assessments;
- (F) intelligence assessments;
- (G) domestic preparedness strategies;
- (H) the location of community drinking water wells and surface water intakes;
- (I) the emergency contact information of emergency responders and volunteers;
- (J) infrastructure records that disclose the configuration of critical systems such as communication, electrical, ventilation, water, and wastewater systems; and
- (K) detailed drawings or specifications of structural elements, floor plans, and operating, utility, or security systems, whether in paper or electronic form, of any building or facility located on an airport (as defined in IC 8-21-1-1) that is owned, occupied, leased, or maintained by a public agency. A record described in this clause may not be released for public inspection by any public agency without the prior approval of the public agency that owns, occupies, leases, or maintains the airport. The public agency that owns, occupies, leases, or maintains the airport:
 - (i) is responsible for determining whether the public disclosure of a record or a part of a record has a reasonable likelihood of threatening public safety by exposing a vulnerability to terrorist attack; and
 - (ii) must identify a record described under item (i) and clearly mark the record as "confidential and not subject to public disclosure under IC 5-14-3-4(b)(19)(J) without approval of (insert name of submitting public agency)".

This subdivision does not apply to a record or portion of a record pertaining to a location or structure owned or protected by a public agency in the event that an act of terrorism under IC 35-47-12-1 or an act of agricultural terrorism under

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IC 35-47-12-2 has occurred at that location or structure, unless release of the record or portion of the record would have a reasonable likelihood of threatening public safety by exposing a vulnerability of other locations or structures to terrorist attack.

(20) The following personal information concerning a customer of a municipally owned utility (as defined in IC 8-1-2-1):

- (A) Telephone number.
- (B) Address.
- (C) Social Security number.

(21) The following personal information about a complainant contained in records of a law enforcement agency:

- (A) Telephone number.
- (B) The complainant's address. However, if the complainant's address is the location of the suspected crime, infraction, accident, or complaint reported, the address shall be made available for public inspection and copying.

(22) Notwithstanding subdivision (8)(A), the name, compensation, job title, business address, business telephone number, job description, education and training background, previous work experience, or dates of first employment of a law enforcement officer who is operating in an undercover capacity.

(c) Nothing contained in subsection (b) shall limit or affect the right of a person to inspect and copy a public record required or directed to be made by any statute or by any rule of a public agency.

(d) Notwithstanding any other law, a public record that is classified as confidential, other than a record concerning an adoption, shall be made available for inspection and copying seventy-five (75) years after the creation of that record.

(e) Notwithstanding subsection (d) and section 7 of this chapter:

- (1) public records subject to IC 5-15 may be destroyed only in accordance with record retention schedules under IC 5-15; or
- (2) public records not subject to IC 5-15 may be destroyed in the ordinary course of business.

SECTION 7. IC 5-14-1.5-6.1, AS AMENDED BY P.L.179-2007, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 6.1. (a) As used in this section, "public official" means a person:

- (1) who is a member of a governing body of a public agency; or
- (2) whose tenure and compensation are fixed by law and who executes an oath.

(b) Executive sessions may be held only in the following instances:

- (1) Where authorized by federal or state statute.

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- (2) For discussion of strategy with respect to any of the following:
- (A) Collective bargaining.
 - (B) Initiation of litigation or litigation that is either pending or has been threatened specifically in writing.
 - (C) The implementation of security systems.
 - (D) The purchase or lease of real property by the governing body up to the time a contract or option to purchase or lease is executed by the parties.

However, all such strategy discussions must be necessary for competitive or bargaining reasons and may not include competitive or bargaining adversaries.

- (3) For discussion of the assessment, design, and implementation of school safety and security measures, plans, and systems.

- (4) Interviews and negotiations with industrial or commercial prospects or agents of industrial or commercial prospects by the Indiana economic development corporation, the office of tourism development, the Indiana finance authority, an economic development commission, **the Indiana state department of agriculture**, a local economic development organization (as defined in IC 5-28-11-2(3)), or a governing body of a political subdivision.

- (5) To receive information about and interview prospective employees.

- (6) With respect to any individual over whom the governing body has jurisdiction:

- (A) to receive information concerning the individual's alleged misconduct; and
- (B) to discuss, before a determination, the individual's status as an employee, a student, or an independent contractor who is:
 - (i) a physician; or
 - (ii) a school bus driver.

- (7) For discussion of records classified as confidential by state or federal statute.

- (8) To discuss before a placement decision an individual student's abilities, past performance, behavior, and needs.

- (9) To discuss a job performance evaluation of individual employees. This subdivision does not apply to a discussion of the salary, compensation, or benefits of employees during a budget process.

- (10) When considering the appointment of a public official, to do the following:

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(A) Develop a list of prospective appointees.

(B) Consider applications.

(C) Make one (1) initial exclusion of prospective appointees from further consideration.

Notwithstanding IC 5-14-3-4(b)(12), a governing body may release and shall make available for inspection and copying in accordance with IC 5-14-3-3 identifying information concerning prospective appointees not initially excluded from further consideration. An initial exclusion of prospective appointees from further consideration may not reduce the number of prospective appointees to fewer than three (3) unless there are fewer than three (3) prospective appointees. Interviews of prospective appointees must be conducted at a meeting that is open to the public.

(11) To train school board members with an outside consultant about the performance of the role of the members as public officials.

(12) To prepare or score examinations used in issuing licenses, certificates, permits, or registrations under IC 15-5-1.1 or IC 25.

(13) To discuss information and intelligence intended to prevent, mitigate, or respond to the threat of terrorism.

(c) A final action must be taken at a meeting open to the public.

(d) Public notice of executive sessions must state the subject matter by specific reference to the enumerated instance or instances for which executive sessions may be held under subsection (b). The requirements stated in section 4 of this chapter for memoranda and minutes being made available to the public is modified as to executive sessions in that the memoranda and minutes must identify the subject matter considered by specific reference to the enumerated instance or instances for which public notice was given. The governing body shall certify by a statement in the memoranda and minutes of the governing body that no subject matter was discussed in the executive session other than the subject matter specified in the public notice.

(e) A governing body may not conduct an executive session during a meeting, except as otherwise permitted by applicable statute. A meeting may not be recessed and reconvened with the intent of circumventing this subsection."

Page 24, line 17, delete "in obtaining and" and insert **"with the permit process"**.

Page 24, line 18, delete "preparing the permits".

Page 24, delete lines 22 through 28.

Page 24, line 29, delete "IC 15-9-2-7" and insert "IC 15-9-2-6".

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Page 24, line 31, delete "7." and insert "6."

Re-number all SECTIONS consecutively.

(Reference is to SB 316 as printed January 25, 2008.)

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